

OCT 27 2011

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JULIA S. CLARK CLERK
BY: *Julia Clark*
DEPUTY CLERK

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED and ADJUDGED

that Smith's 28 U.S.C. § 2255 motion (Docket No. 672) is **DISMISSED without prejudice** as successive; and this case is hereby **STRICKEN** from the active docket of the court.

Further, finding that Smith has failed to make the requisite substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is **DENIED**.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to the parties.

ENTER: This 26th day of October, 2011.

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